

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

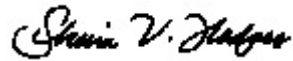
Dean Kinningham,	)	C/A No.: 1:12-439-JMC-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	REPORT AND RECOMMENDATION
	)	
Warden Adwell; Greg Livingson, RN	)	
Nurse; GEO Care,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, proceeding *pro se* and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendant GEO Care of South Carolina, Inc. (“GEO Care”) filed a motion to dismiss on June 14, 2012. [Entry #36]. As Plaintiff is proceeding *pro se*, the court entered an order on June 15, 2012, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion to dismiss and of the need for him to file an adequate response. [Entry #38]. Plaintiff was specifically advised that if he failed to respond adequately, GEO Care’s motion may be granted. Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Plaintiff has failed to respond to the motion.

On July 23, 2012, the court ordered Plaintiff to advise whether he wished to continue with his claims against GEO Care by August 6, 2012. [Entry #41]. Plaintiff again failed to file a response. As such, it appears to the court that he does not oppose the

motion and wishes to abandon this action against GEO Care. Based on the foregoing, the undersigned recommends Plaintiff's claims against GEO Care be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

August 8, 2012  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge